

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 22-cv-61565-BLOOM/Otazo-Reyes

JUNIOR GALETTE,

Plaintiff,

v.

ROGER GOODELL, *et al.*,

Defendants.

_____ /

ORDER DISMISSING ANENDED COMPLAINT

THIS CAUSE is before the Court upon Plaintiff Junior Galette's Amended Complaint, ECF No. [49] and Galette's "Affidavit Motion to Be Heard," ECF No. [50], both of which were filed on January 17, 2023. Upon a *sua sponte* review of the Amended Complaint, the Court finds that dismissal is warranted.

On December 29, 2022, in its Order on Motions to Dismiss, the Court dismissed Galette's original Complaint. ECF No. [48] ("Order"). The Court granted Galette leave to amend Counts I and II, but the Court explicitly ordered Galette to omit from his Amended Complaint Count III, because that Count was dismissed with prejudice. *Id.*

Upon review of Galette's Amended Complaint, the Court finds that Galette has failed to comply with the Court's Order because he has realleged Count III. ECF No. [49] at 7. Federal Rule of Civil Procedure 41(b) "authorizes a district court to dismiss a complaint for failure to prosecute or failure to comply with a court order or the federal rules." *Gratton v. Great Am. Comms.*, 178 F. 3d 1373, 1374 (11th Cir. 1999).

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Galette's Amended Complaint, **ECF No. [48]**, is **DISMISSED**;

Case No. 22-cv-61565-BLOOM/Otazo-Reyes

2. Galette has leave to file a Second Amended Complaint **no later than January 27, 2023** that complies with the Court's Order, ECF No. [48];
3. Galette is advised that failure to file a Second Amended Complaint in compliance with the Court's Order will result in dismissal of this case without further notice;
4. Galette's Affidavit Motion to Be Heard, ECF No. [50], is **DENIED AS MOOT**.

DONE AND ORDERED in Chambers at Miami, Florida, on January 17, 2023.

A handwritten signature in black ink, appearing to be 'JB' or similar, with a long horizontal stroke extending to the right.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record

AlphaLives@yahoo.com